

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALEJANDRO AVILES-PEREZ,

Petitioner,

vs.

ROBERT LEGRAND *et al.*,

Respondents.

Case 3:13-cv-0173-RCJ-VPC

ORDER

Counsel for petitioner has appeared in this action. The Federal Public Defender, Jonathan M Kirshbaum, Deputy, is petitioner's counsel. His address is 411 E. Bonneville Ave., Las Vegas, Nevada, 89101, 702-388-5112. As the original petition was not served, the clerk shall send to respondents a copy of this Order and a copy of the original petition. Thereafter, respondents shall have ten days to file a Notice of Appearance in this action.

The following briefing schedule shall also be set.

IT IS THEREFORE ORDERED that counsel for petitioner shall meet with petitioner as soon as reasonably possible, if counsel has not already done so, to: (a) review the procedures applicable in cases under 28 U.S.C. § 2254; (b) discuss and explore with petitioner, as fully as possible, the potential grounds for habeas corpus relief in petitioner's case; and (c) advise petitioner that all possible grounds for habeas corpus relief must be raised at this time in this action and that the failure to do so will likely result in any omitted grounds being barred from future review.

1 **IT IS FURTHER ORDERED** the Clerk shall electronically serve a copy of this order and of
2 the original petition (ECF No. 1-1 through 1-3) upon respondents. Respondents shall enter an
3 appearance in this action within ten days of receipt of this Order.

4 **IT IS FURTHER ORDERED** that petitioner must have **ninety (90) days**, to file and serve
5 an amended petition for writ of habeas corpus, which must include all known grounds for relief (both
6 exhausted and unexhausted). Respondents shall have **thirty (30) days** after service of an amended
7 petition within which to answer, or otherwise respond to, the amended petition. If petitioner does
8 not file an amended petition, respondents shall have **thirty (30) days** from the date on which the
9 amended petition is due within which to answer, or otherwise respond to, petitioner's original
10 petition.

11 **IT IS FURTHER ORDERED** that if and when respondents file an answer, petitioner shall
12 have **thirty (30) days** after service of the answer to file and serve a reply.

13 **IT IS FURTHER ORDERED** that counsel for respondents must make available to counsel
14 for petitioner (photocopying costs at the latter's expense), as soon as reasonably possible, copies of
15 whatever portions of the state court record they possess regarding the judgment petitioner is
16 challenging in this case.

17 **IT FURTHER IS ORDERED** that any state court record exhibits filed by the parties herein
18 must be filed with a separate index of exhibits identifying the exhibits by number or letter. The
19 CM/ECF attachments that are filed must further be identified by the number or numbers (or letter or
20 letters) of the exhibits in the attachment. The hard copy of any additional state court record exhibits
21 must be forwarded – for this case – to the staff attorneys in Reno.

22 Dated this 16th day of September, 2013.

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25 UNITED STATES CHIEF DISTRICT JUDGE
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